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The Manila Conference on the Law of the World: Some Personal Reflections

by *J. W. Samuels**

IT IS NOT EASY to assess a biennial legal extravaganza which brings together lawyers, judges, and legal scholars from around the world for a week of meetings in a sumptuous conference center in Manila—where roughly 2,500 foreigners are joined by some 4,000 Philippine lawyers whose registration, accommodation, and expenses are paid for by their government; where one receives numerous anti-government political broadsheets handed out surreptitiously in lobbies or meeting rooms; where 2,000 student street demonstrators are quelled by high-pressure water hoses wielded by police (four American conference delegates had joined the demonstration); where former United States Attorney General Ramsey Clark, citing the arrest of more than 60,000 Filipinos for political activities during the five years of martial law under President Marcos, calls Manila “a heartbreaking choice of location for a conference on human rights;”¹ where Professor John Humphrey of McGill University, formerly the Director of the United Nations Division of Human Rights for twenty years, refuses to attend the Conference because to do so would offer some measure of assent to the Marcos regime; where shortly before the Conference closes, Charles Rhyne, president of the World Peace Through Law Center, rushes to Malacanang Palace to present President Marcos with the Center’s “Nation Builder” award “for innovative, imaginative, creative government to fit modern needs,” an award not agreed to by the Center’s Council and unknown to its members until it was presented; where the world’s lawyers adopt a proclamation on human rights, high-sounding, full of lofty ideal but with no mention of the real world (in violation of the rules of the Conference—World Conference Standing Orders, No. 4), and 47 resolutions “resolving,” “reaffirming,” “requesting,” “calling upon,” and “appealing” for action.² It is a heady mixture.

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¹ NEWSWEEK, Sept. 5, 1977, at 7-8.

² A copy of the booklet, THE HUMAN RIGHTS PROCLAMATION AND RESOLUTIONS FOR PROGRESS TOWARDS WORLD PEACE THROUGH LAW, can be obtained from the World Peace Through Law Center, 839 17th Street NW, Washington, D. C. 20006.

This was the eighth biennial conference organized by the World Peace Through Law Center. The Center is the creation of Charles Rhyne, former president of the American Bar Association, a prominent Washington lawyer, and author of several works on international law. From a relatively modest birth, the World Peace complex has grown into a family of organizations—the Center itself, the World Association of Judges (with twenty-one committees), the World Association of Lawyers (with 101 committees), the World Association of Law Professors (eight committees) and the World Association of Law Students (four committees). But the changes in structure and nomenclature do not reflect such a significant development in substance. The World Peace Through Law movement is still Charles Rhyne and the primary activity of the organization is still the biennial Conference. Rhyne decides where the conference will be. For 1977, it is reported that the Shah of Iran offered a great deal of money to have the gathering in Teheran. Marcos, however, offered something much more valuable—a promise to relax martial law during the Conference. The promise was fulfilled. It is Rhyne who decided to take the highly controversial step of giving President Marcos the “Nation Builder” award. It is Rhyne who drafted a number of the resolutions in Washington before the Conference began. And it is Rhyne who chaired the closing plenary sessions with an iron hand and little regard for the democratic process (aided in execution by the unusual Rules of Proceeding which he had promulgated, *e.g.*, “12. [N]o person may speak . . . more than once on the same subject without unanimous consent.” *Unanimous*—there were 5,000 people in the room!).

This time the theme was the international legal protection of human rights. The Conference Program showed a reception and dinner on Sunday, August 21, 1977. It was to be the “World Celebration of World Law Day Dedicated To International Legal Protection of Human Rights.” The Program explained:

There will be similar celebrations all over the World, with the one in Manila being the “Summit” or chief program of World Law Day focusing upon Human Rights of all peoples in all Nations. The major purpose of WORLD LAW DAY is to call to public attention the law and its important part in the lives of all humankind.

Let the Conference begin!

If the point is not clear yet, let us be more emphatic. There was a glut of pomp and circumstance. It built to a crescendo with the “Na-

tion Builder" award, but had gone much too far even before this last and most obscene gesture.

The plenary sessions provided an opportunity for the apologists of the Marcos government, including the President, his wife, and the Chief Justice of the Philippines, to speak. At the same time, open-minded and reasonable people from around the world became weary of the fawning and obsequious mutual admiration society on the dais. No one was ordinary. There was "His Excellency this," "Minister that," "highly distinguished and beautiful this," or "Chief Justice that." There was the World Legal Scholar Award, the World Jurist Award, the World Lawyer Award. Where was the law itself?

The pity of it is that the Conference had so much potential. It did bring together leading lawyers, judges, and legal scholars from around the world. Many of them came with the will to participate in an exciting exercise of understanding and growth. But the spirit soon dissipated under the weight of meaningless show and insincerity. There were insufficient copies of the papers prepared for the meetings, which meant one scrambled for papers in the meeting rooms just before a session, or one failed to get a copy. The papers were of very uneven quality. Some were a waste of paper; others were serious contributions to legal thought. As with any conference, one of the main benefits for a participant is the contact he or she makes with new friends. At the World Peace Through Law Conferences, this advantage is compounded by the fact that the participants are people of considerable influence in their home countries and internationally. But did the Manila Conference achieve anything beyond this social benefit? Let us examine several of the resolutions and the proclamation on human rights in order to answer the question.

The Manila Human Rights Proclamation affirms the "solemn belief that law, and its institutions, processes, procedures and rules, offers the most promising foundation on which to build the great edifice of norms of conduct that is an indispensable precondition for the achievement of that great era of world peace and brotherhood, of justice and equity for all, that humanity has been yearning for for centuries." Noting that a violation of human rights is of international concern, the Proclamation appeals:

- (1) to the leaders of each nation to respect the dignity of man and to demonstrate this sincerity of purpose, in the realization of the primordial role human rights must play in the development of a world of peace and justice and in the achievement of the new

international economic order, by putting an end to any deprivations and violations of the fundamental human rights of the nation that has been entrusted to their care and responsibility

and solemnly reaffirms

- (2) that persistent, large-scale violations of the human rights of the citizens of any country should not be considered as a matter solely within the domestic jurisdiction of that country but are properly a matter of international concern; they are a crime against humanity justifying appropriate individual and/or collective action under the United Nations Charter.

But what does it all mean in view of Standing Order No. 4?

Debates or comments concerning themes of partisan politics, . . . and comments directed towards particular governments, shall be out of order.

What then are these disembodied, unnamed, "persistent, large-scale violations" of human rights, these "crimes against humanity justifying appropriate individual and/or collective action"? The closing plenary session degenerated into a comic opera when a judge of the Indian Supreme Court (and also, incidentally, an executive of the Center) suggested an amendment to the Proclamation which was heard by the chairman of the Resolutions Committee, a Philippine judge, to contain an adverse reference to the Marcos regime. This prompted a spirited and angry intervention by the earnest chairman of the Committee: Such a reference was unthinkable, was against the rules of procedure, and was an insult to his government. When the Indian delegate pointed out that he had not said what the chairman of the Resolutions Committee thought he had said, the latter returned with, "Well, if you had said what I thought you said, it would have been unthinkable, against the rules of procedure, and an insult to my government." The incident tells us much about the significance of the Proclamation. It is too general, too high-sounding, and it signifies nothing.

It must be said that I am one of those who supports the Marcos regime. I spent a great deal of time in Manila talking with Filipinos of all walks of life—lawyers, taxi drivers, shopkeepers, and others. My own conclusion is that martial law is the only answer to the state of general lawlessness and violence which prevailed previously. However, I

do object to the virulence with which any adverse reference to the regime was greeted.

Yet, not all specific reference is forbidden. Resolution No. 3 ("Implementation of United Nations Covenants on Human Rights") calls upon the Manila Conference "to commend and applaud the efforts of the Spanish people and the new Spanish government for implementation of human rights and fundamental freedoms in Spain." A pat on the back is legitimate though it violates the Standing Orders. But let no adverse comment cross the lips of a Conference participant, at least in public. After all, we are all honorable and decent persons—distinguished, God-fearing participants—from states committed to the protection of human rights and fundamental freedoms.

Resolution No. 16 ("Nuclear Disarmament"):

- (1) resolves "that the World Peace Through Law Center adopts as an ultimate objective the dismantlement of all atomic arms," and
- (2) resolves "that as a first step, the Center calls upon the nations of the world to declare a moratorium on the further development of atomic weaponry and to establish an International Science Control Board to monitor its observance."

Of what value is this call to the nations of the world? Will it be heard? Who will heed it? It is highly unlikely that this resolution will matter one jot in the course of nuclear disarmament.

Resolution No. 42 ("Education in International Law") found the Conference:

RESOLVED, that the World Peace Through Law Center and its affiliated organizations recommend that law schools of all nations include international and comparative law studies in their orientation programs, lectures, readings, courses and seminars;

RESOLVED, that law schools emphasize how important an understanding of the laws of nations is to world peace;

RESOLVED, that law schools encourage their students to participate in international law programs and to consider international law careers which can make a significant contribution toward the creation of a climate in which a lasting world peace can become a reality.

Now how does the Center expect this resolution to be carried into practice? If the expectation is that all the law professors who participated in the gathering will return home with the resolution tucked

under their arms, to be raised solemnly at faculty meetings and in deans' offices, then the Conference will be sadly disappointed. I suggest that it just will not happen.

Part of the answer to the problem of not implementing the resolutions lies in Resolution No. 47 ("Dissemination and Implementation of Conference Resolutions"):

WHEREAS, it is imperative that the widest possible exposure be given to the resolutions adopted at this Conference;

WHEREAS, it is imperative that means be devised to ensure effective implementation of these resolutions;

RESOLVED, that the World Peace Through Law Center report on measures of implementation of the resolutions adopted in writing before the next Conference.

The problem is the nature of the resolutions themselves. To what extent can *meaningful* implementation take place?

The Manila Conference showed clearly the flaws of the overall World Peace Through Law concept. It is based on a show of pomp and circumstance. Even the choice of location depends on political considerations. The working sessions are not meaningful because the whole point of the Conference is to approve the resolutions which, for the most part, have been cooked up in advance. It is the same mania for useless expression which has brought the United Nations General Assembly to the point of collapse in a windbag of rhetoric.

If the World Peace Through Law Conference is to survive, major changes are necessary:

1. The extravagant display of diplomatic nicety must end.
2. The meaningless world awards for this and that must end. The common coin in Manila was that the awards serve to thank friends of Charles Rhyne—or Rhyne himself! He received an award in Manila.
3. The resolutions must be kept to a minimum.
4. Attention must be focused on the working sessions. This means fewer but better papers. There must be enough copies of all papers so that anyone interested can have a copy. The sessions must provide a forum for a valuable interchange of ideas rather than a willing vehicle for adoption of pre-arranged resolutions to report to the closing plenary session.

5. The number of local participants must be limited. The Manila Conference became a golden opportunity for President Marcos and others to justify the martial regime before 4,000 Philippine lawyers in the presence of several thousand foreign jurists. At the closing plenary there were eight Filipinos for every foreigner. There is something seriously lacking in the international flavor of the conference when one looks around a room so populated.

World Peace Through Law is a noble ideal. It can capture the imagination and effort of members of our profession around the world. A biennial conference bringing together lawyers, judges, and law professors from the four corners of the globe can offer a meaningful opportunity for exchange of ideas, and the creation of friendships. But we are a *learned* profession. We can see through meaningless show. A conference like the one in Manila neither fulfils the opportunity nor promotes the noble ideal.

